

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRUCE WHITE, on Behalf of Himself and  
All Others Similarly Situated

Plaintiffs,

vs.

CRST, INC.

Defendant.

CASE NO. 1:11-CV-2615

UNITED STATES DISTRICT JUDGE  
JAMES S. GWIN

---

PLAINTIFF BRUCE WHITE RESPONSES TO CRST'S  
FIRST REQUEST OF PRODUCTION OF DOCUMENTS

---

Plaintiff, Bruce White, by and through undersigned counsel, hereby responds to Defendant CRST, Inc.'s First Request of Production of Documents as follows:

Requests for Production of Documents

1. Please produce all documents which refer or relate to CRST.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and beyond the purview of FRCP 34. Without waiving said objection, documents regarding White's communications with CRST and White's application for employment with CRST are attached hereto.

2. Please produce all documents embodying, evidencing or referring to any communication between you and CRST.

**Response:** Documents responsive to request are attached hereto. White reserves the right to supplement his response to this request upon discovering additional responsive documents.



3. Please produce all documents embodying, evidencing or referring to any communication, excluding privileged communications, between you and any other person or entity regarding CRST.

**Response:** White is not in possession of any documents responsive to this request, and reserves the right to supplement his response to this request upon discovering additional responsive documents.

4. Please produce all documents which refer or relate to HireRight.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, documents regarding White's consumer report prepared by HireRight and his communications with HireRight are attached hereto.

5. Please produce all documents embodying, evidencing or referring to any communication between you and HireRight.

**Response:** Documents responsive to request are attached hereto.

6. Please produce all documents embodying, evidencing or referring to any communication, excluding privileged communications, between you and any other person or entity regarding HireRight.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, documents regarding White's

consumer report prepared by HireRight and his communications with HireRight are attached hereto.

7. Please produce all documents which refer or relate to Roadmaster.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34.

8. Please produce all documents embodying, evidencing or referring to any communication between you and Roadmaster.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34.

9. Please produce all documents embodying, evidencing or referring to any communication, excluding privileged communications, between you and any other person or entity regarding Roadmaster.

**Response:** Objection. This request is a blanket production request that is unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34.

10. Please produce all documents embodying, evidencing or referring to any communication between you and any "Class Member," as that term is used in the Complaint.

**Response:** White is not in possession of any documents responsive to this request.

11. Please produce all documents embodying, evidencing or referring to any communication between you and any other person or entity regarding this lawsuit or the subject matter of this lawsuit.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Further, the request seeks documents protected by the attorney-client privilege. Without waiving said objections, excluding privileged communications, White is not in possession of documents responsive to this request.

12. Please produce all documents which you contend support the allegations contained in Count I of the Complaint.

**Response:** Documents responsive to this request are attached hereto, including communications between White and CRST and White's application for employment with CRST. Additional documents responsive to this request are in the possession of CRST, including CRST's policies and procedures regarding FCRA compliance and applicant files.

13. Please produce all documents which you contend support the allegations contained in Count II of the Complaint.

**Response:** Documents responsive to this request are attached hereto, including communications between White and CRST and White's application for employment with CRST. Additional documents responsive to this request are in the possession of CRST, including CRST's policies and procedures regarding FCRA compliance and applicant files.

14. Please produce all documents which you contend support the "Allegations as to the Common Questions" (Paragraphs 17-21) in the Complaint.

**Response:** Documents responsive to this request are attached hereto, including communications between White and CRST and White's application for employment with CRST. Additional documents responsive to this request are in the possession of CRST, including CRST's policies and procedures regarding FCRA compliance and applicant files.

15. Please produce all documents which you contend support the "Class Action Allegations" (Paragraphs 22-30) in the Complaint.

**Response:** Documents responsive to this request are attached hereto, including communications between White and CRST and White's application for employment with CRST. Additional documents responsive to this request are in the possession of CRST, including CRST's policies and procedures regarding FCRA compliance and applicant files.

16. Please produce all documents that identify the "[c]onsumers residing in the United States who applied for employment with CRST, and during the application process, CRST procured a criminal background report or other consumer report without first, (i) providing the consumer(s) with a clear and conspicuous disclosure in writing in a document that consisted solely of the disclosure that a consumer report would be obtained for employment purposes, and (ii) obtaining the consumer'(s) proper written authorization to procure such consumer reports" as alleged in Paragraph 23.a. of the Complaint.

**Response:** Documents responsive to this request are in the possession of CRST and third-parties, namely HireRight Solutions, Inc.

17. Please produce all documents that identify the “[a]ll employees or prospective employees of CRST who were the subject of a consumer report, which was used by CRST to make employment decisions during the applicable limitations period as established by 15 U.S.C. 1681p, preceding the filing of this action and during its pendency, and who applied for employment in person and against whom CRST took adverse action based in whole or in part on information contained in the consumer report before providing a copy of the consumer report as required by 15 U.S.C. §1681b(3)(A)(i) as alleged in Paragraph 23.b. of the Complaint.

**Response:** Documents responsive to this request are in the possession of CRST and third-parties, namely HireRight Solutions, Inc.

18. Please produce all documents that identify the “[a]ll employees or prospective employees of CRST who were the subject of a consumer report, which was used by CRST to make employment decisions during the applicable limitations period as established by 15 U.S.C. 1681p, preceding the filing of this action and during its pendency, and who applied for employment in person and against whom CRST took adverse action based in whole or in part on information contained in the consumer report before providing a copy of the consumer report as required by 15 U.S.C. §1681b(3)(A)(i)(ii)” as alleged in Paragraph 23.c. of the Complaint.

**Response:** Documents responsive to this request are in the possession of CRST and third-parties, namely HireRight Solutions, Inc.

19. Please produce all documents that identify the “Putative Class” members as alluded to in Paragraph 24 of the Complaint.

**Response:** Documents responsive to this request are in the possession of CRST and third-parties, namely HireRight Solutions, Inc.

20. Please produce all documents which refer or relate to the “successful application process and interview” referred to in Paragraph 8 of the Complaint.

**Response:** Documents responsive to request are attached hereto. White reserves the right to supplement his response to this request.

21. Please produce all documents which refer or relate to your allegation that you were “hired” as alleged in Paragraph 8 of the Complaint.

**Response:** Documents responsive to request are attached hereto.

22. Please produce all documents which refer or relate to your allegation that “[o]n December 1, 2009 and while attending orientation, CRST engaged HireRight Solutions, Inc. (“HireRight”) to provide a consumer report” as alleged in Paragraph 9 of the Complaint.

**Response:** Documents responsive to request are attached hereto.

23. Please produce all documents which you contend support your prayer for relief (i.e., the “Wherefore” clause) of your Complaint, including the amount of alleged damages, attorneys’ fees, and costs you are seeking in this lawsuit.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, documents supporting White's claims that permit the requested relief are attached hereto.

24. Please produce copies of any criminal background reports you have received since January 1, 2006.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, documents regarding White's consumer report provided to CRST by HireRight Solutions, Inc. are attached hereto.

25. Please produce copies of documentation reflecting any efforts to correct your criminal background report.

**Response:** Documents responsive to request are attached hereto.

26. Please produce copies of any correspondence or communications you have sent to or received from any commercial trucking recruiter since January 1, 2006.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34.

27. Please produce all documents which refer or relate to, or which identify, evidence or reflect, your employment history, from high school graduation through the present.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, White's application for employment with CRST is attached hereto, and identifies White's employment history.



28. Please produce all documents which refer to or which evidence your education history.

**Response:** Objection. This request is a blanket production request that unlimited in scope, overbroad, too general, and too comprehensive and is thus not permitted under the purview of FRCP 34. Without waiving said objection, White's application for employment with CRST is attached hereto, and identifies White's education history.

29. Please produce all documents that refer or relate to, or that were generated by or in connection with, any lawsuit or other legal proceeding, civil, criminal, administrative, traffic, or otherwise, in which you have been a party at any time.

**Response:** Objection. This request is overbroad, unduly burdensome and not likely to lead to the discovery of admissible evidence. Without waiving said objection, White is not in possession of any documents responsive to this request and reserves the right to supplement his response to the extent responsive documents become available.

30. Please produce all documents which refer or relate to your employment with, and termination of employment from, Tulsa Transit Lift.

**Response:** Objection. This request is overbroad, unduly burdensome and not likely to lead to the discovery of admissible evidence.

31. Please produce all documents which refer or relate to your employment with, and termination of employment from, Vitro America.

**Response:** Objection. This request is overbroad, unduly burdensome and not likely to lead to the discovery of admissible evidence.

32. Please produce documents you used in answering CRST's Interrogatories.

**Response:** Documents responsive to request are attached hereto.

33. Please produce all documents identified, described or otherwise referred to in Plaintiff's Initial Disclosures as served in this lawsuit.

**Response:** Documents responsive to request are attached hereto. Additional documents are in the possession of CRST and third parties, namely HireRight Solutions, Inc.

34. Please produce all documents which you intend to introduce into evidence at the trial of, or any hearing in, this lawsuit.

**Response:** Objection. This request seeks documents protected by the attorney-client and attorney work-product privilege. Without waiving said objection, White will supplement his response pursuant to the Court's standing civil trial order.

35. Please produce all documents that reflect or evidence any communications you had with any persons whom you contemplate calling as witnesses at the trial of, or any hearing, this action, including, without limitation, expert witnesses.

**Response:** Objection. This request seeks documents protected by the attorney-client and attorney work-product privilege. Without waiving said objection, White will supplement his response pursuant to the Court's standing civil trial order.

36. Please produce all reports prepared by any expert you have engaged to provide an expert opinion in this action, and all communications between you and that expert.

**Response:** White has not yet retained an expert to testify in this matter. In the event White obtains the same, White will produce all reports and curriculum vitae as required by the Court's Scheduling Order.

As to all objections:



---

Matthew A. Dooley

Dated: April 18<sup>th</sup>, 2012

Respectfully submitted,

STUMPHAUZER, O'TOOLE, McLAUGHLIN,  
McGLAMERY & LOUGHMAN CO., LPA

By: /s/ Matthew A. Dooley

Dennis M. O'Toole (0003274)

Anthony R. Pecora (0069660)

Matthew A. Dooley (0081482)

5455 Detroit Road

Sheffield Village, Ohio 44054

Tel: (440) 930-4001

Fax: (440) 934-7208

Email: dotoole@sheffieldlaw.com

apecora@sheffieldlaw.com

mdooley@sheffieldlaw.com

*Counsel for Bruce White and the Putative Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of April, 2012, a copy of the foregoing Plaintiff's Responses to CRST's First Request for Production of Documents was served upon the following by electronic mail:

Jeremy Gilman, Esq.  
Gregory J. Lucht, Esq.  
BENESCH FRIEDLANDER COPLAN & ARONOFF, LLP  
200 Public Square  
Suite 2300  
Cleveland, Ohio 44114-2378  
*Counsel for Defendant*

/s/ Matthew A. Dooley  
Matthew A. Dooley  
*Counsel for Bruce White and the putative  
class*